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BASEL CONVENTION

Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
Twelfth meeting
Geneva, 4–15 May 2015
Item 4 (c) (i) of the provisional agenda*

Matters related to the implementation of the Convention: legal, compliance and governance matters: Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention

Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention

Note by the Secretariat

I. Introduction

1. By paragraphs 4 and 5 of decision BC-11/8, the Conference of the Parties authorized the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention to make recommendations to the Executive Secretary on the use of the implementation fund in the intersessional period between the eleventh and twelfth meetings of the Conference of the Parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention to fund activities listed in the compliance action plans approved by the Committee and decided to review at its twelfth meeting the operation of the implementation fund in the light of the experience of the Committee and other developments.

2. By paragraph 6 of decision BC-11/8, the Conference of the Parties extended, for the period between the eleventh and twelfth meetings of the Conference of the Parties, the amendment to paragraph 9 (c) of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention adopted by decision BC-10/11. As part of its work programme for the biennium 2014–2015, contained in annex II (sect. II, para. 3) to decision BC-11/8, the Committee was requested to provide to the Conference of the Parties at its twelfth meeting a report on its evaluation of the effectiveness of the amendment, including recommendations.

3. The Conference of the Parties approved the work programme of the Committee for 2014–2015 in paragraph 20 of decision BC-11/8. Unless otherwise indicated, the mandates for the work described in section II below are contained in the work programme.

* UNEP/CHW.12/1.

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4. In paragraph 22 of decision BC-11/8, the Committee was requested to report to the Conference of the Parties at its twelfth meeting on the work it had carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention.[1]

5. In accordance with paragraph 3 of the terms of reference, the Committee consists of 15 members nominated by the parties, serving in accordance with paragraph 5 of the terms of reference and based on equitable geographical representation of the five regional groups of the United Nations, elected by the Conference of the Parties. The terms of reference indicate that the members shall have expertise relating to the subject matter of the Convention in areas including scientific, technical, socioeconomic and/or legal fields.

6. In accordance with paragraph 6 of the terms of reference, the Conference of the Parties shall, at each ordinary meeting following the adoption of the decision establishing the mechanism, elect for two full terms new members to replace those members whose period of office has expired, or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the terms of reference, "term" means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the next ordinary meeting of the Parties.

II. Implementation

7. The Committee held its tenth meeting on 5 and 6 December 2013 in Paris, followed by an online supplementary session on 8 May 2014, and its eleventh meeting from 22 to 24 September 2014 in Geneva. Financial support for holding these meetings was provided by the Governments of Japan and Switzerland. The reports of the meetings are available on the website of the Convention.[2] The Committee also worked intersessionally by e-mail and held informal consultations on four occasions.[3] The Committee also held consultations with the Open-ended Working Group at its ninth meeting, which was held from 16 to 19 September 2014. The report of that meeting is also available on the website of the Convention.[4]

8. On 3 July 2013, the Committee elected the following members as its officers: Ms. Jimena Nieto (Colombia) as Chair, Mr. Felix Zaharia (Romania) as Rapporteur and Ms. Anne Daniel (Canada), Mr. Shunichi Honda (Japan) and Mr. Adel Shafei (Egypt) as Vice-Chairs. The list of members of the Committee, updated as at 5 December 2014, is available on the website of the Convention.[5] The Secretariat organized information sessions for new members elected at the eleventh meeting of the Conference of the Parties and for alternates designated subsequent to that meeting.

9. Subsections A and B below represent the report of the Committee to the Conference of the Parties on the implementation of its work programme for the biennium 2014–2015. The draft decision set out in section III of the present note reflects the recommendations agreed by the Committee following its consideration of the activities of its work programme.

A. Specific submissions regarding party implementation and compliance

1. Specific submissions

10. In line with paragraph 1 of section II of its work programme for the biennium 2014–2015, the Committee assigned priority to working on specific submissions relating to party implementation and compliance. At its tenth meeting, the Committee considered one self-submission by a party, namely Oman, and eight submissions by the Secretariat regarding Bhutan, Cabo Verde, Eritrea, Guinea-Bissau, Liberia, Libya, Swaziland and Togo. All nine submissions aim at resolving parties' implementation and compliance difficulties with their national reporting obligations. Following its consideration of the submissions, the Committee, among other things, approved the compliance action plans submitted by Bhutan, Cabo Verde, Guinea-Bissau, Oman and Swaziland and recommended that the Executive Secretary use, subject to their availability, resources from the implementation fund for

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[1] The terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention were adopted by the Conference of Parties at its sixth meeting (decision VI/12) and amended at the tenth meeting (decision BC-10/11). At the eleventh meeting, the Conference of the Parties extended the amendment until its twelfth meeting (decision BC-11/8).

[2] www.basel.int/TheConvention/ImplementationComplianceCommittee/Reports/tabid/2289/Default.aspx.

[3] 13 September 2013, 11 March 2014, 8 May 2014 and 28 August 2014.

[4] www.basel.int/TheConvention/OpenendedWorkingGroup(OEWG)/ReportsandDecisions/tabid/3413/Default.aspx.

[5] www.basel.int/TheConvention/ImplementationComplianceCommittee/Membership/tabid/1379/Default.aspx.

the purpose of covering costs associated with their implementation. The decisions adopted by the Committee pertaining to the nine submissions are included in the report of the tenth meeting of the Committee, set out in documents UNEP/CHW/CC.10/14 and Add.1.

11. At its eleventh meeting, the Committee considered self-submissions by two parties, namely the Central African Republic and Oman, and 11 submissions by the Secretariat regarding Afghanistan, Bhutan, Cabo Verde, Eritrea, Guinea-Bissau, Liberia, Libya, Palau, Somalia, Swaziland and Togo. Ten submissions aimed at resolving parties' implementation and compliance difficulties with their national reporting obligations while three aimed at resolving parties' implementation and compliance difficulties with the obligation to designate and communicate to the Secretariat the designation of a competent authority and focal point. Following its consideration of the submissions regarding Palau and Somalia, the Committee decided that the matter had been successfully resolved. The Committee, among other things, also approved the compliance action plans submitted by the Central African Republic and recommended that the Executive Secretary use, subject to their availability, resources from the implementation fund for the purpose of covering costs associated with its implementation. The decisions adopted by the Committee pertaining to the 13 submissions are included in the report of the eleventh meeting of the Committee (UNEP/CHW/CC.11/16).

2. Implementation fund

12. Since its establishment in decision IX/2 and as at 31 December 2014, an amount of $370,512 had been contributed to the implementation fund by Colombia, Japan, Norway and Switzerland. Contributions are close to matching the total amount of possible contributions to the implementation fund as set out in the programme budgets for the bienniums 2012–2013 and 2014–2015 ($400,000). At its ninth meeting, held on 8 and 9 November 2012, the Committee authorized the use of resources in the implementation fund of up to $50,000 for the implementation of the compliance action plan submitted by Togo (see UNEP/CHW/CC.11/2). At its tenth and eleventh meetings, the Committee recommended that the Executive Secretary use up to $320,000 for the implementation of the six compliance action plans approved at those meetings.

13. At its tenth and eleventh meetings, the Committee considered issues pertaining to the implementation fund, including on the basis of a report by the Secretariat prepared under the leadership of Committee member Mr. Felix Zaharia on the operation of the implementation fund (UNEP/CHW/CC.11/2). Following its consideration of the item, the Committee requested the Secretariat to transmit the report to the United Nations Environment Programme. It also requested the Secretariat to transmit to the Conference of the Parties at its twelfth meeting part II of the report, which provides information on the experience of the Committee with the implementation fund, with a view to supporting the meeting in reviewing the operation of the implementation fund. Part II of the report on the operation of the implementation fund is set out in document UNEP/CHW.12/INF/18 for ease of reference.

14. The Committee agreed on recommendations for the consideration of the Conference of the Parties at its twelfth meeting. Among other things, the Committee recommended that it be mandated to develop recommendations on priority areas for institutional strengthening under the Basel Convention, for the attention of the Executive Board of the United Nations Environment Programme special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, and to consider other options for cooperation with the special programme (UNEP/CHW/CC.11/16, paras. 8–10).

3. Evaluation of the amendment to paragraph 9 (c) of the terms of reference

15. In considering the matter of the evaluation of the amendment to paragraph 9 (c) of the terms of reference during its tenth and eleventh meetings (UNEP/CHW/CC.11/4), the Committee noted that the Secretariat's use of the extended trigger with respect to possible difficulties of any party in complying with its obligations under Article 5 was valuable. While 11 parties had yet to designate a focal point and competent authority at the time of the tenth meeting of the Committee, the subsequent consultations by the Secretariat with these parties and submissions to the Committee had resulted in only two parties being without a focal point or competent authority at the time of the eleventh meeting. The Committee also noted that the Secretariat had yet to make use of the extended trigger with respect to possible difficulties encountered by any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention. The Committee agreed on recommendations on this matter for the consideration of the Conference of the Parties at its twelfth meeting (UNEP/CHW/CC.11/16, paras. 26–28).

4. Legal framework programme

16. The Committee considered the matter of the legal framework programme at its tenth and eleventh meetings, including on the basis of a notes prepared under the leadership of Committee member Mr. Felix Zaharia (UNEP/CHW/CC.10/4 and UNEP/CHW/CC.11/5), and agreed to recommend to the Conference of the Parties that it discontinue the legal framework programme given that the terms of reference of the mechanism for promoting the implementation and compliance of the Basel Convention provided a sufficient basis for the Committee to consider and assist in the resolution of implementation and compliance difficulties associated with a party's lack of an adequate legal framework. The Committee also agreed that should the Conference of the Parties decide to maintain the legal framework programme as established, the programme should be based on the phases as set out in paragraph 30 (b) of the report of the eleventh meeting of the Committee (UNEP/CHW/CC.11/16).

B. Review of general issues of compliance and implementation under the Convention

17. The Secretariat received financial contributions from the European Union and the Government of Japan to support the Committee in undertaking the activities of its work programme pertaining to the review of general issues of implementation and compliance.

1. National reporting

(a) Individual compliance performance

18. Following consideration of the matter of individual compliance performance by the Committee at its tenth and eleventh meetings, including on the basis of observations and recommendations prepared under the leadership of Committee member Ms. Anne Daniel (UNEP/CHW/CC.10/5 and UNEP/CHW/CC.11/6), the Secretariat, as requested by the Committee, published on the Convention's website[6] and communicated to parties on 13 October 2014 the draft classifications of compliance performance with regard to the annual reporting obligations for 2011 and 2012, along with an explanatory note inviting parties to comment thereon by 15 November 2014.The Committee also agreed on recommendations on this matter for the consideration of the Conference of the Parties at its twelfth meeting (UNEP/CHW/CC.11/16, paras. 32–34).

19. The updated classifications of parties' individual compliance performance with regard to their annual national reporting obligations for 2011 and 2012, taking into account comments received,[7] are set out in document UNEP/CHW.12/INF/19.

(b) Guide on the development of inventories

20. The Committee considered the matter of the methodological guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention at its tenth and eleventh meetings, including on the basis of iterations of the draft guide, elaborated under the guidance of the lead Committee member, Mr. Adel Shafei (UNEP/CHW/CC.10/6 and UNEP/CHW/CC.11/7), which took into account comments received from parties and others.[8] A consultation was held on the draft guide with the Open-ended Working Group at its ninth meeting (see UNEP/CHW/OEWG.9/INF/16), following which the Working Group adopted decision OEWG-9/7.

21. Following its consideration of the matter at its eleventh meeting, the Committee agreed that the final draft of the guidance should reflect the revised reporting format to be adopted by the Conference of the Parties at its twelfth meeting.

22. The draft methodological guide for the development of inventories is set out in document UNEP/CHW.12/9/Add.1 for the consideration of and possible adoption by the Conference of the Parties. It includes several place holders to enable the relevant elements of the revised reporting format to be reflected therein.

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[6] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Nationalreportingcomplianceperformance/tabid/4161/Default.aspx.

[7] Comments, questions and reports were received from Argentina, Belgium, the Congo, Estonia, Italy, Mexico, Morocco, Norway, the Philippines and Yemen.

[8] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Guidanceoninventories/tabid/3560/Default.aspx.

(c) Additional tools and training

23. The Committee considered this matter at its tenth and eleventh meetings on the basis of oral reports by the Secretariat. Following its consideration of the matter at its eleventh meeting, the Committee welcomed the initiatives by the Secretariat to develop software for managing data entry and a proposal to the twelfth meeting of the Conference of the Parties that it request the Secretariat to develop additional waste-stream-specific guidance (UNEP/CHW/CC.11/16, para. 37).

(d) Dialogue with other compliance bodies

24. At its tenth meeting, the Committee held a dialogue attended by chairs of compliance bodies as well as representatives of the secretariats of seven multilateral environmental agreements. At its eleventh meeting, the Committee considered a note by the Secretariat setting out proposals on improving the timeliness and completeness of national reporting under paragraph 3 of Article 13 of the Convention, taking into account possible lessons learned from the dialogue. Following its consideration of the matter, the Committee agreed to take note of the proposals and to include in the proposed work programme of the Committee for the biennium 2016–2017 that it consider what additional steps could be taken to improve the timeliness and completeness of national reporting and, on the basis of this consideration, elaborate a plan recommending actions, incentives and other measures towards that end (ibid., paras. 38–39).

2. National legislation

25. The Committee considered the matter of national legislation at its tenth meeting (UNEP/CHW/CC.10/8) and agreed that the checklist for the legislator should be revised and expanded in the context of the Committee's work on preparing an updated version of the manual for the implementation of the Basel Convention.

26. At its eleventh meeting, the Committee considered a report on strategies to promote full legislative implementation of the Basel Convention (UNEP/CHW/CC.11/9), elaborated under the guidance of the lead Committee members, Ms. Anne Daniel and Mr. Mohammed Khashashneh. Following its consideration of the report, the Committee agreed to a set of recommendations for the consideration of the Conference of the Parties at its twelfth meeting, including that parties use the updated manual for the implementation of the Basel Convention and its expanded checklist for the legislator when evaluating their legislation with a view to achieving full legislative implementation, and that the Conference of the Parties withdraw the Model National Legislation (UNEP/CHW/CC.11/16, paras. 40 and 41).

3. Illegal traffic

27. The Committee considered the matter of the development of guidance on the illegal traffic take-back provision set out in paragraph 2 of article 9 of the Convention at its tenth and eleventh meetings, including on the basis of iterations of the draft guidance elaborated under the guidance of the lead Committee members, Mr. Shunichi Honda and Mr. Adel Shafei (see UNEP/CHW/CC.10/9 and UNEP/CHW/CC.11/10), which took into account comments received from parties and others.[9] A consultation on the draft guidance was also held with the Open-ended Working Group at its ninth meeting (see UNEP/CHW/OEWG.9/INF/17), following which the Working Group adopted decision OEWG-9/7.

28. Following its consideration of the matter at its eleventh meeting, the Committee agreed to develop a revised draft of the guidance, taking into account the outcome of the consultation with the Open-ended Working Group. The draft guidance on the illegal traffic take-back provision for the consideration of and possible adoption by the Conference of the Parties is set out in document UNEP/CHW.12/9/Add.2.

4. Insurance, bond and guarantee

29. The Committee considered the matter of insurance, bond and guarantee at its tenth and eleventh meetings, under the leadership of Committee member Mr. Mark Govoni, including on the basis of a report on the implementation of paragraph 11 of Article 6 of the Convention (UNEP/CHW/CC.10/10 and UNEP/CHW/CC.11/11), taking into account responses received from 29

[9] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Illegaltraffictakeback/tabid/3562/Default.aspx.

parties, two Basel Convention regional centres and four other organizations to a questionnaire on the matter.[10]

30. At its eleventh meeting, several Committee members expressed concern about possible duplication between the work of the Committee and the work of the Expert Working Group on Environmentally Sound Management which was developing a practical manual on insurance and liability for the consideration of the Conference of the Parties at its twelfth meeting.[11] The Committee agreed to include in the proposed work programme of the Committee for the biennium 2016–2017 that, taking into account developments on environmentally sound management at the twelfth meeting of the Conference of the Parties, it consider possible steps to improve the implementation of paragraph 11 of Article 6 of the Convention for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.

5. Control system

(a) Guide to the control system

31. The Committee considered the matter of the updating of the guide to the control system at its tenth and eleventh meetings, including on the basis of iterations of the draft revised guide elaborated under the guidance of the lead Committee member, Ms. Anne Daniel (see UNEP/CHW/CC.10/11 and UNEP/CHW/CC.11/12), which took into account comments received from parties and others.[12] A consultation on the draft guidance was also held with the Open-ended Working Group at its ninth meeting (see UNEP/CHW/OEWG.9/INF/18).

32. Following its consideration of the matter at its eleventh meeting, the Committee agreed to develop a revised draft of the guide, taking into account the outcome of the consultations with the Open-ended Working Group. The draft guide to the control system for the consideration of and possible adoption by the Conference of the Parties is set out in document UNEP/CHW.12/9/Add.3.

(b) Interactive tool

33. At its tenth and eleventh meetings, the Committee considered the matter of the development of an interactive tool that could take the form of a searchable database that would make available to all parties the information needed to complete the forms for the notification and movement documents and other relevant associated information. The tool is available on the website of the Convention.[13]

6. Manual for the implementation of the Basel Convention

34. As an outcome of its review and update of the manual for the implementation of the Basel Convention, at its tenth meeting, the Committee agreed that the expanded checklist for the legislator should be developed in the context of the Committee's work on preparing an updated version of the manual.

35. Consultations with the Open-ended Working Group at its ninth meeting were held on a draft updated manual for the implementation of the Basel Convention, developed under the guidance of the lead Committee members, Ms. Anne Daniel and Mr. Mohammed Khashashneh (see UNEP/CHW/OEWG.9/INF/19). In its decision OEWG-9/7, the Open-ended Working Group invited the Committee to consider preparing a revised version of the manual, taking into account comments received during the meeting, inviting comments thereon from parties and others and finalizing the manual taking into account comments received, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

36. At its eleventh meeting, the Committee considered the draft updated manual for the implementation of the Basel Convention (UNEP/CHW/CC.11/14), on which the Open-ended Working Group had been consulted. Following its consideration of the matter, the Committee agreed to request one of the lead Committee members, Ms. Anne Daniel, to prepare a revised version of the manual taking into account as far as possible the outcome of the consultations with the Open-ended Working Group. As requested by the Committee, the Secretariat published on the Convention's website and

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[10] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Insurance,bond,guarantee/tabid/3691/Default.aspx.

[11] www.basel.int/Implementation/CountryLedInitiative/Meetings/ThirdmeetingoftheExpertWorkingGrouponESM/Overview/tabid/4192/mctl/ViewDetails/EventModID/8495/EventID/537/xmid/12846/Default.aspx.

[12] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Guidetothecontrolsystem/tabid/3561/Default.aspx.

[13] www.basel.int/Default.aspx?tabid=4284.

communicated to parties on 8 October 2014 the revised manual[14] with an invitation to parties and others to comment thereon by 31 October 2014. The Committee also agreed that it would subsequently finalize the manual taking into account comments received, for consideration and possible adoption by the Conference of the Parties at its twelfth meeting.

37. The draft updated manual for the implementation of the Basel Convention for the consideration of and possible adoption by the Conference of the Parties is set out in document UNEP/CHW.12/9/Add.4.

C. Election of members of the Committee

38. The period of office of 10 Committee members will expire at the close of the twelfth meeting of the Conference of the Parties. Document UNEP/CHW.12/INF/30 sets out a list of past and present Committee members, identifying those members whose terms will expire at the close of the twelfth meeting.

III. Proposed action

39. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Takes note* of the note by the Secretariat on the work of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention and the recommendations made therein,[15] and welcomes the work undertaken by the Committee since the eleventh meeting of the Conference of the Parties;

I

Specific submissions regarding party implementation and compliance

2. *Encourages* parties concerned by a submission covered by the decisions taken by the *Committee* at its tenth and eleventh meetings to cooperate with the Committee with a view to resolving the matter of concern;

3. *Confirms* the amendment to paragraph 9 (c) of the terms of reference of the mechanism for promoting the implementation and compliance of the Basel Convention adopted by the Conference of the Parties at its tenth meeting and extended by the Conference of the Parties at its eleventh meeting, with respect to possible difficulties encountered by any party in complying with its obligations under Article 5 and paragraph 3 of Article 13 of the Convention;

4. *Extends*, for the period between the twelfth and fourteenth meetings of the Conference of the Parties, the amendment to paragraph 9 (c) of the terms of reference adopted by the Conference of the Parties at its tenth meeting[16] and extended by the Conference of the Parties at its eleventh meeting,[17] with respect to possible difficulties encountered by any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Convention;

5. *Discontinues* the legal framework programme as established by decision BC-10/11 given that the terms of reference of the mechanism for promoting the implementation and compliance of the Basel Convention provide a sufficient basis for the Committee to consider and assist in the resolution of implementation and compliance difficulties associated with a party's lack of an adequate legal framework;

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[14] www.basel.int/Implementation/LegalMatters/Compliance/GeneralIssuesActivities/Activities201415/Manualfortheimplementation/tabid/4160/Default.aspx.

[15] UNEP/CHW.12/9.

[16] Decision BC-10/11.

[17] Decision BC-11/8.

II

Review of general issues of compliance and implementation under the Convention

6. *Adopts*:

(a) The methodological guide for the development of inventories of hazardous wastes and other wastes under the Basel Convention[18] with the understanding that the Committee will reflect therein, as appropriate, the relevant elements of the revised format for reporting adopted by the Conference of the Parties at its twelfth meeting;[19]

(b) The guidance on the implementation of the Basel Convention illegal traffic take-back provision (paragraph 2 of Article 9);[20]

(c) The revised guide to the control system;[21]

(d) The updated manual for the implementation of the Basel Convention.[22]

National reporting

7. *Notes with concern* that the national reporting targets for the years 2011 and 2012 approved by the Conference of the Parties at its eleventh meeting have not been met;

8. *Also notes with concern* that, as at 21 November 2014, 89 parties had not submitted their report for the year 2011 and 97 parties had not submitted their report for the year 2012;

9. *Acknowledges* that the problem of non-reporting, incomplete reporting or late reporting is all the more serious because of the close link between the core obligations of the Convention and the obligation to submit national reports in accordance with paragraph 3 of Article 13 of the Convention;

10. *Agrees*, as a way of measuring progress in the overall implementation of and compliance with paragraph 3 of Article 13 of the Convention, on the following interim targets: 30 per cent[23] of reports due for 2013 and for subsequent years are submitted on time and 20 per cent[24] of reports due for 2013 and for subsequent years are submitted complete;

National legislation

11. *Invites* parties to use the updated manual for the implementation of the Basel Convention, including its checklist for the legislator, when evaluating their legislation, with a view to achieving full legislative implementation;

12. *Withdraws* the Model National Legislation;[25]

13. *Reminds* parties to share, through the Secretariat, texts of national legislation and other regulatory measures adopted by them to implement and enforce the provisions of the Basel Convention or to make use of the revised reporting format to transmit such texts to the Secretariat;

14. *Requests* the Secretariat to provide legal advice and technical assistance to parties, upon request, in enacting and reviewing implementing legislation;

[18] UNEP/CHW.12/9/Add.1.
[19] UNEP/CHW.12/9/Add.1.
[20] UNEP/CHW.12/9/Add.2.
[21] UNEP/CHW.12/9/Add.3.
[22] UNEP/CHW.12/9/Add.4.
[23] Baseline: 15 per cent for the reports due for 2010.
[24] Baseline: 0.6 per cent for the reports due for 2010.
[25] Adopted by decision III/6.

III

Work programme for the biennium 2016–2017

15. *Approves* the work programme of the Committee for the biennium 2016–2017[26] set out in the annex to the present decision;

16. *Requests* the Committee to establish priorities, work methods and schedules with regard to the issues identified in the work programme and to coordinate with the Open-ended Working Group, the Secretariat and the Basel Convention regional and coordinating centres to avoid duplication of activities;

17. *Also requests* the Committee to report to the Conference of the Parties at its thirteenth meeting on the work that it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference of the mechanism for promoting implementation and compliance with the Basel Convention;

IV

Election of members of the Committee

18. *Elects*, in accordance with the terms of reference set out in the appendix to decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention until the close of the thirteenth meeting of the Conference of the Parties:

African States: [*two names to be completed*]

Asia-Pacific States: [*two names to be completed*]

Central and Eastern European States: [*two names to be completed*]

Latin American and Caribbean States: [*two names to be completed*]

Western European and other States: [*two names to be completed*]

[26] UNEP/CHW.12/9, annex.

Annex

Work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance for the biennium 2016–2017

I. Review of general issues of compliance and implementation under the Convention

Objective	*Activity*
1. National reporting Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention	(a) Classify and, as appropriate, publish parties' individual compliance performance with regard to their annual national reporting obligations for 2013 and 2014 as available based on the criteria and categories adopted by the Conference of the Parties at its tenth meeting,[a] and using the targets approved by the Conference of the Parties at its twelfth meeting; (b) Consider what additional steps could be taken to improve the timeliness and completeness of national reporting and, on the basis of this consideration, elaborate a plan recommending actions, incentives and other measures towards that end; (c) Revise the Committee's guidance on improving national reporting in the light of the revised reporting format.
2. Illegal traffic Prevent and combat illegal traffic	Develop, including through consultations with the Open-ended Working Group, guidance on the implementation of paragraphs 3 and 4 of Article 9 of the Convention and integrate it in the guidance on the take-back provision under paragraph 2 of Article 9, for consideration and possible adoption by the Conference of the Parties at its thirteenth meeting.
3. National legislation Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention	Consider what additional steps could be taken to improve implementation and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.
4. Insurance, bond, guarantee Improve the implementation of and compliance with paragraph 11 of Article 6 of the Convention	Taking into account developments on environmentally sound management at the twelfth meeting of the Conference of the Parties, consider possible steps to improve the implementation of paragraph 11 of Article 6 of the Convention for consideration and possible adoption by the thirteenth meeting of the Conference of the Parties.
5. Control system Improve the implementation of and compliance with Article 6 of the Convention	Consider what additional steps could be taken to improve the implementation of and compliance with Article 6 of the Convention.
6. Improve the implementation of and compliance with obligations under the Convention	(a) Develop recommendations for the attention of the Executive Board of the United Nations Environment Programme special programme on priority areas for institutional strengthening under the Basel Convention and consider other options for cooperation with the special programme; (b) Regularly update the guidance on legal matters the Committee has developed (e.g., manual for the implementation of the Basel Convention, guide to the control system, guidance on the illegal traffic take-back provision), based on periodic feedback from users and suggestions from stakeholders and in the light of decisions taken by the Conference of the Parties, for consideration and possible adoption by the Conference of the Parties.

[a] Decision BC-10/11, paragraph 18, which refers to paragraph 26 of document UNEP/CHW.10/9/Rev.1.

II. Specific submissions regarding party implementation and compliance

1. The Committee shall accord priority to dealing with specific submissions regarding party implementation and compliance received or initiated in accordance with paragraph 9 of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention.

2. In relation to the implementation fund, the Committee shall make recommendations to the Executive Secretary on the allocation of the available resources from the implementation fund in the period between the twelfth and thirteenth meetings of the Conference of the Parties to assist parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the mechanism for promoting implementation and compliance of the Basel Convention. The resources are intended to fund activities listed in the compliance action plans elaborated by the party concerned in its submission and approved by the Committee. In addition, the Committee shall review the operation of the implementation fund in the light of the experience of the Committee and other developments, including with respect to the special programme.

3. In relation to the amendment of paragraph 9 (c) of the terms of reference, the Committee shall provide to the Conference of the Parties at its fourteenth meeting a report on its evaluation of the effectiveness of the amendment mentioned in paragraph 6 of the present decision, including recommendations.